

Exhibit A



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO Box 080
TRENTON, NJ 08625-0080

PHILIP D. MURPHY
Governor

GURBIR S. GREWAL
Attorney General

SHEILA Y. OLIVER
Lt. Governor

August 27, 2018

Via E-mail

U.S. Department of Education
Office of Management
Office of the Chief Privacy Officer
400 Maryland Avenue, SW, LBJ 2W218-32
Washington, DC 20202-4536
ATTN: FOIA Public Liaison
E-mail: EDFOIAManager@ed.gov

Dear FOIA Manager,

The Office of the New Jersey Attorney General submits this Freedom of Information Act (FOIA) request to obtain information about the U.S. Department of Education's current approach to cooperation and communications with State Attorneys General and other law enforcement officers.

Background

On June 13, 2018, the Department of Education published a System of Records Notice (SORN) in the Federal Register. *See Privacy Act of 1974; System of Records*, 83 Fed. Reg. 27587 (June 13, 2018), Docket ID ED-2018-FSA-0053. The Notice renames the Department's Office of the Student Loan Ombudsman Records system (18-11-11) the Customer Engagement Management System (CEMS), and expands the CEMS to include borrower defense to repayment claims and those records contained in the Common Services for Borrowers (CSB) system (18-11-16). This Notice also eliminates the previous Routine Use #2 for the Student Loan Ombudsman Records system (18-11-11). The now-eliminated Routine Use #2 was titled "Disclosure for Use by Other Law Enforcement Agencies," and permitted the Department to "disclose information to any Federal, State, local, or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutorial responsibility within the receiving entity's jurisdiction," without providing individualized notice under the Privacy Act. This routine use was first adopted in 1999 and was most recently amended in a System of Records Notice published on March 8, 2016. The Attorneys General from New Jersey and 19 other States submitted a letter opposing the elimination of this routine use.



Office of the New Jersey Attorney General
FOIA Request re: Privacy Act Policy Change
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Requested Records

Please promptly produce all of the following records:

1. Records concerning the System of Records Notice for the Student Loan Ombudsman Records system (18-11-11), which is now called the Customer Engagement Management System (CEMS), or the Common Services for Borrowers (CSB) system (18-11-16), which is now part of the CEMS. This request specifically includes, but is not limited to:
 - a. Records reflecting communications about modifying the routine uses for the system of records;
 - b. Records from on or after June 13, 2018, reflecting communications about comments received in response to the System of Records Notice published in the Federal Register on June 13, 2018;
 - c. Records reflecting communications between the Department of Education and the Bureau of Consumer Financial Protection (BCFP) or Consumer Financial Protection Bureau (CFPB) relating to the System of Records Notice published in the Federal Register on June 13, 2018;
 - d. Records reflecting communications between the Department of Education and any student loan servicer relating to the System of Records Notice published in the Federal Register on June 13, 2018;
 - e. Records reflecting communications comparing the former Routine Use “Disclosure for Use by Other Law Enforcement Agencies” (former Routine Use #2 in 18-11-11) with the Routine Use “Enforcement Disclosure” (current Routine Use #2, formerly Routine Use #3 in 18-11-11);
 - f. Records reflecting communications comparing the former Routine Use “Disclosure for Use by Other Law Enforcement Agencies” (former Routine Use #2 in 18-11-11) with the Privacy Act provision codified at 5 U.S.C. § 552a(b)(7);
 - g. Records relating to the Department of Education’s decision to no longer disclose any records under the former Routine Use “Disclosure for Use by Other Law Enforcement Agencies” (former Routine Use #2 in 18-11-11); and
 - h. Records from on or after June 1, 2018, reflecting any communications between the Department of Education and any representative of any press or news organization relating to the System of Records Notice published in the Federal Register on June 13, 2018.

Time Frame

Except as specified above, the time frame for this request is March 8, 2016, to the date on which the Department of Education commences its search for records responsive to this request.

Office of the New Jersey Attorney General
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Fee Waiver Request

The Office of the New Jersey Attorney General requests a waiver of document search, review, and duplication fees because “disclosure of the [requested] information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure “is likely to contribute significantly to public understanding of the operations or activities of the government,” because of the substantial public interest in the Department of Education’s treatment of student-loan borrowers and its collaboration with State Attorneys General. *Id.* Disclosure also “is not primarily in the commercial interest of the requester.” *Id.* This Office does not have any commercial interest in the requested information; it seeks these records in its capacity as an agency of a State whose residents could be affected by the government operations and activities in question. The Office of the New Jersey Attorney General may make records obtained from this request available to the public at no cost.

If our request for a waiver is denied, the Office of the New Jersey Attorney General is willing to pay all reasonable fees incurred in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring any additional costs.

Contact Information

Please direct any response to this request to the following e-mail address: gov-info@njoag.gov. We appreciate your assistance and look forward to your prompt response.

Sincerely,

GURBIR S. GREWAL
Attorney General
State of New Jersey
25 Market Street, Box 080
Trenton, NJ 08625-0080

JEREMY E. HOLLANDER
Assistant Attorney General
State of New Jersey
124 Halsey Street
Newark, NJ 07101
(973) 648-7453

Exhibit B



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO Box 080
TRENTON, NJ 08625-0080

PHILIP D. MURPHY
Governor

GURBIR S. GREWAL
Attorney General

SHEILA Y. OLIVER
Lt. Governor

August 27, 2018

Via E-mail

U.S. Department of Education
Office of Management
Office of the Chief Privacy Officer
400 Maryland Avenue, SW, LBJ 2W218-32
Washington, DC 20202-4536
ATTN: FOIA Public Liaison
E-mail: EDFOIAManager@ed.gov

Dear FOIA Manager,

The Office of the New Jersey Attorney General submits this Freedom of Information Act (FOIA) request to obtain information about the U.S. Department of Education's current approach to investigations of fraudulent and other predatory conduct by for-profit colleges and about the Department's relationships with State Attorneys General.

Background

On May 17, 2018, New Jersey Attorney General Gurbir S. Grewal sent Secretary Betsy DeVos a letter concerning the Department of Education's efforts to combat fraud, substandard practices, and predatory behavior by educational institutions. The letter invited cooperation between New Jersey and the Department of Education in investigations of fraudulent activities by educational institutions. The letter was transmitted by email. An email response, also dated May 17, 2018, stated that the letter "has been forwarded to the appropriate staff member for review." More than three months later, New Jersey has not received a substantive response.



Office of the New Jersey Attorney General
FOIA Request
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Requested Records

Please promptly produce all of the following records:

1. Records reflecting the Department of Education's internal communications relating to the New Jersey Attorney General's letter dated May 17, 2018, whether substantive or not, including any records reflecting the Department's routing of the correspondence.
2. Records reflecting any communications between the Department of Education and any representative of any educational institution, or trade association or organization, relating to the New Jersey Attorney General's letter dated May 17, 2018.
3. Records reflecting any communications between the Department of Education and any representative of any press or news organization relating to the New Jersey Attorney General's letter dated May 17, 2018.

Time Frame

The time frame for this request is May 17, 2018, to the date on which the Department of Education commences its search for records responsive to this request.

Fee Waiver Request

The Office of the New Jersey Attorney General requests a waiver of document search, review, and duplication fees because "disclosure of the [requested] information is in the public interest." 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure "is likely to contribute significantly to public understanding of the operations or activities of the government," because of the substantial public interest in the Department of Education's investigations of fraudulent and other predatory conduct by for-profit colleges and in the Department's relationship with State Attorneys General. *Id.*¹ Disclosure also "is not primarily in the commercial interest of the requester." *Id.* This Office does not have any commercial interest in the requested information; it seeks these records in its capacity as an agency of a State whose residents could be affected by the government operations and activities in question. The Office of the New Jersey Attorney General may make records obtained from this request available to the public at no cost.

If our request for a waiver is denied, the Office of the New Jersey Attorney General is willing to pay all reasonable fees incurred in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring any additional costs.

¹ See, e.g., Danielle Ivory, Erica L. Green & Steve Eder, *Education Department Unwinds Unit Investigating Fraud at For-Profits*, N.Y. Times (May 13, 2018); Danielle Ivory, *A State Attorney General Calls Out Betsy DeVos on For-Profit Colleges*, N.Y. Times (May 17, 2018).

Office of the New Jersey Attorney General
FOIA Request
Page 3

Contact Information

Please direct any response to this request to the following e-mail address: gov-info@njoag.gov. We appreciate your assistance and look forward to your prompt response.

Sincerely,

GURBIR S. GREWAL
Attorney General
State of New Jersey
25 Market Street, Box 080
Trenton, NJ 08625-0080

JEREMY E. HOLLANDER
Assistant Attorney General
State of New Jersey
124 Halsey Street
Newark, NJ 07101
(973) 648-7453

Exhibit C



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Office of the Chief Privacy Officer

August 27, 2018

GURBIR S GREWAL
Attorney General
State of New Jersey
25 Market Street
Box 080
Trenton, NJ 08625-0080

RE: FOIA Request No. - 18-02708-F

Dear: GURBIR S GREWAL

This is in response to your letter dated August 27, 2018, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in this office on August 27, 2018, and forwarded to the primary responsible office(s) for action.

You requested: 1. Records concerning the System of Records Notice for the Student Loan Ombudsman Records system (18-11-11), which is now called the Customer Engagement Management System (CEMS), or the Common Services for Borrowers (CSB) system (18-11-16), which is now part of the CEMS. This request specifically includes, but is not limited to: SEE DOCUMENT FOR RECORDS

For any future correspondence, status updates or questions regarding your request, please contact the FOIA Public Liaison via email to EDFOIAManager@ed.gov

Sincerely,

ED FOIA Manager
FOIA Service Center

Exhibit D



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Office of the Chief Privacy Officer

September 28, 2018

Gurbir Grewal
State of New Jersey
25 Market St., Box 080
Trenton, NJ 08625-0080

RE: 20 –DAY NOTIFICATION 18-02708-F

Dear Gurbir Grewal:

This is the Department of Education's (the Department) initial determination letter to your request dated, August 27, 2018, seeking information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was forwarded to the appropriate office within the Department for any responsive documents they may have: Federal Student Aid (FSA).

We aim to complete your requests as promptly as possible. At this time, we are unable to provide an estimated completion date, but intend to provide records on a rolling basis as they become available.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation.

They can be contacted by:

Mail	FOIA Public Liaison Office of the Chief Privacy Officer U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4536	Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road College Park, MD 20740-6001
E-mail	robert.wehausen@ed.gov	OGIS@nara.gov
Phone	202-205-0733	202-741-5770; toll free at 1-877-684-6448
Fax	202-401-0920	202-741-5769

Sincerely

Arthur Caliguiran

Arthur Caliguiran
FOIA Analyst, OM/OCPO
FOIA Service Center

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202-4500
www.ed.gov

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

Exhibit E



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Office of the Chief Privacy Officer

August 28, 2018

Gurbir S Grewal
Attorney General
State of New Jersey
25 Market Street
Box 080
Trenton, NJ 08625-0080

RE: FOIA Request No. - 18-02714-F

Dear: Gurbir S Grewal

This is in response to your letter dated August 27, 2018, requesting information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was received in this office on August 28, 2018, and forwarded to the primary responsible office(s) for action.

You requested: 1. Records reflecting the Department of Education's internal communications relating to the New Jersey Attorney General's letter dated May 17, 2018, whether substantive or not, including any records reflecting the Department's routing of the correspondence. 2. Records reflecting any communications between the Department of Education and any representative of any educational institution, or trade association or organization, relating to the New Jersey Attorney General's letter dated May 17, 2018. 3. Records reflecting any communications between the Department of Education and any representative of any press or news organization relating to the New Jersey Attorney General's letter dated May 17, 2018.

For any future correspondence, status updates or questions regarding your request, please contact the FOIA Public Liaison via email to EDFOIAManager@ed.gov

Sincerely,

ED FOIA Manager
FOIA Service Center

400 MARYLAND AVE., S.W., WASHINGTON, DC 20202-4500
www.ed.gov

Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

Exhibit F



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Office of the Chief Privacy Officer

August 30, 2018

Gurbir S. Grewal
State of New Jersey
Office of the Attorney General
P.O. Box 080
Trenton, NJ 08625-0080
Gov-info@njoag.gov

RE: FOIA Request No. 18-02714-F

Dear G. Grewal:

This letter is an interim response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated August 27, 2018 and received in this office on August 28, 2018. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request.

You requested the following:

- Records reflecting the Department of Education's internal communications relating to the New Jersey Attorney General's letter dated May 17, 2018, whether substantive or not, including any records reflecting the Department's routing of the correspondence.
- Records reflecting any communications between the Department of Education and any representative of any educational institution, or trade association or organization, relating to the New Jersey Attorney General's letter dated May 17, 2018.
- Records reflecting any communications between the Department of Education and any representative of any press or news organization relating to the New Jersey Attorney General's letter dated May 17, 2018.

Time Frame

The time frame for this request is May 17, 2018, to the date on which the Department of Education commences its search for records responsive to this request.

Staff from the Office of the Secretary (OS) informed this office (FSC) that after a search of their files, they were unable to locate any documents that were responsive to your request.

At this time, the Department is continuing to process your request, and your FOIA request case file remains open. It will not close until the Department provides you with a response regarding

Page 2 - Gurbir S. Grewal
FOIA No. 18-02714-F

outstanding responsive documents from OCO and FSA. Our final release letter will contain information related to your appeal rights of agency decisions.

If you have any questions, please contact me at (202) 401-8365, or you may send an e-mail to EDFOIAManager@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Christie D. Swafford".

Christie D. Swafford
Government Information Specialist, OM/OCPO

Exhibit G



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF MANAGEMENT

Office of the Chief Privacy Officer

October 3, 2018

Gurbir S. Grewal
State of New Jersey
Office of the Attorney General
P.O. Box 080
Trenton, NJ 08625-0080
Gov-info@njoag.gov

RE: FOIA Request No. 18-02714-F

Dear G. Grewal:

This letter is a second interim response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated August 27, 2018 and received in this office on August 28, 2018. Your request was forwarded to the appropriate office to search for documents that may be responsive to your request.

You requested the following:

- Records reflecting the Department of Education's internal communications relating to the New Jersey Attorney General's letter dated May 17, 2018, whether substantive or not, including any records reflecting the Department's routing of the correspondence.
- Records reflecting any communications between the Department of Education and any representative of any educational institution, or trade association or organization, relating to the New Jersey Attorney General's letter dated May 17, 2018.
- Records reflecting any communications between the Department of Education and any representative of any press or news organization relating to the New Jersey Attorney General's letter dated May 17, 2018.

Time Frame

The time frame for this request is May 17, 2018, to the date on which the Department of Education commences its search for records responsive to this request.

Attached to this e-mail are 2 pages of fully releasable documents that are responsive to your request. The documents provided are

- OCO 18-02714-F

At this time, the Department is continuing to process your request and your FOIA request case file remains open. It will not close until the Department provides you with a response regarding

Page 2 - Gurbir S. Grewal
FOIA No. 18-02714-F

outstanding responsive documents from FSA. Our final release letter will contain information related to your appeal rights of agency decisions.

If you have any questions, please contact me at (202) 401-8365, or you may send an e-mail to EDFOIAManager@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Christie D. Swafford".

Christie D. Swafford
Government Information Specialist, OM/OCPO

FOIA 18-02714-F

Landis, Patricia

From: Hill, Elizabeth
Sent: Thursday, May 17, 2018 5:56 PM
To: Naber, Dianne; Bailey, Nathan; Conaty, Joe; Eitel, Robert; Manning, James; McCloskey, Amber; McFadden, Elizabeth; Menashi, Steven; PIO; Riemer, Jeffrey (Justin); Rosenfelt, Phil; Smith, Kathleen; Surprenant, Kala; Talbert, Kent; Venable, Joshua; Wexler, Rob
Subject: RE: Important Correspondence Summary

FYI for the group, I already have a question from NY Times about this letter:

New Jersey Attorney General's Offer to Cooperate on For-Profit College Investigations

Gurbir S. Grewal, Attorney General of New Jersey, wrote regarding recent reports about ED's handling of investigations into possibly fraudulent activities by several large for-profit colleges and restricted communications among ED staff and state Attorneys General. He welcomes the opportunity to assist in investigations or assume responsibility for completing any investigations. To FSA for the Under Secretary's signature. Copies to Kent Talbert, Jim Manning, Joshua Venable, OCO, OGC, OLCA, OPE, OPEPD, and OPEPD/Budget Service.

From: Naber, Dianne
Sent: Thursday, May 17, 2018 3:49 PM
To: Bailey, Nathan; Conaty, Joe; Eitel, Robert; Hill, Elizabeth; Manning, James; McCloskey, Amber; McFadden, Elizabeth; Menashi, Steven; PIO; Riemer, Jeffrey (Justin); Rosenfelt, Phil; Smith, Kathleen; Surprenant, Kala; Talbert, Kent; Venable, Joshua; Wexler, Rob
Subject: Important Correspondence Summary

May 17, 2018

**MEMORANDUM FOR THE SECRETARY
CHIEF OF STAFF**

FROM: Tracey St. Pierre, Director
Office of Executive Secretariat

SUBJECT: Important Correspondence Summary

Senators' Request on Verification for Student Aid Applicants

Senators Lamar Alexander and Michael Bennet wrote to the Secretary requesting the reinstatement of alternative documentation options for applicants who do not file incomes taxes and are selected for verification when applying for financial aid. They also request data on improper payments for applicants who do not file income taxes for the 2017-2018 and 2018-2019 FAFSA cycles. To FSA for the Secretary's signature. Copies to Kent Talbert, Jim Manning, Joshua Venable, OCO, OGC, OLCA, OPE, OPEPD, and OPEPD/Budget Service.

New Jersey Attorney General's Offer to Cooperate on For-Profit College Investigations

Gurbir S. Grewal, Attorney General of New Jersey, wrote regarding recent reports about ED's handling of investigations into possibly fraudulent activities by several large for-profit colleges and restricted communications among ED staff and state Attorneys General. He welcomes the opportunity to assist in

investigations or assume responsibility for completing any investigations. To FSA for the Under Secretary's signature. Copies to Kent Talbert, Jim Manning, Joshua Venable, OCO, OGC, OLCA, OPE, OPEPD, and OPEPD/Budget Service.